

C. REMARKS

Reconsideration and allowance are requested in view of the amendments made herein. Upon entry of this Amendment, claims 1, 4, 6-8, 10-12, 14, 15, 25, 28-36, and 38-44 will be pending in this application with claims 1, 11, 25 and 28 being independent claims. Support for the claims is found throughout the specification. No new matter has been added.

35 U.S.C. § 112 Rejection

Claims 1, 4, 6-8, 10-12, 14, 15, 25, 28-36, and 38-44 were rejected as being indefinite. Applicants traverse this rejection for at least the following reasons.

The Examiner stated in paragraph 6 of the Action that steps (b) and (c) of independent claim 1 have no relationship to steps (d) and (e). Applicants have amended claim 1 to specify that the determination of step (d) is based on the comparison of step (c). The Examiner stated in paragraphs 7 and 8 of the Action that “no relationship exists between the database and the executing step” of claim 1. Applicants have amended claim 1 to specify that the accessing is done accessing “via one of the computer and a second computer.” The Examiner stated in paragraph 9 of the Action that steps (a) through (e) of claim 1 should be positively recited “such that the computer actually performs the recited steps by accessing the database.” Applicants have amended claim 1 to specify “accessing, via one of the computer and a second computer, information stored in a database to enable the one of the computer and a second computer to periodically” perform the steps.

The Examiner stated in paragraph 10 of the Action that claims 25, 43, 28-36, 38-40 and 44 “contain similar deficiencies outlined” with respect to claim 1. Applicants have amended independent claims 25 and 38 in a similar manner to claim 1. The Examiner

stated in paragraph 11 of the Action that, in independent claim 11, the “relationship of ‘means for comparing’ to any other element” is omitted. Applicants have amended claim 11 to specify that “means for determining a distribution to holders of the trust units based on the comparison.” The Examiner stated in paragraphs 12 and 13 of the Action that claim 10 combines “two different statutory classes of invention in a single claim.” Applicants have amended claim 10 to actively recite a method step.

Applicants submit that all of the claims, as amended, particularly point out and distinctly claim the subject matter therein. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

35 U.S.C. § 101 Rejection


Claim 10 was rejected as being directed to non-statutory subject matter. Applicants traverse this rejection for at least the following reasons. As described above, Applicants have amended claim 10 to actively recite a method step. Applicants submit that all of the claims, as amended, are clearly directed to statutory subject matter. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

D. CONCLUSION

Applicants submit that this application is in condition for allowance and request favorable action in the form of a Notice of Allowance.

Respectfully submitted,

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